

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the matter of)	
)	
Request for Extension of Time to)	
Construct Digital Facilities)	File No. BEPCDT-20020301ADM
WLOX-DT, Biloxi, Mississippi)	ID No. 13995
)	

MEMORANDUM OPINION AND ORDER

Adopted: September 10, 2002

Released: September 16, 2002

By the Chief, Media Bureau:

1. The Media Bureau (the "Bureau") has before it a petition filed by LibCo, Inc. ("LibCo") seeking reconsideration of the Bureau's June 3, 2002, letter denying its request for an extension of time to construct the digital facilities for WLOX-DT and admonishing LibCo for failing to meet the May 1, 2002, construction deadline for DTV facilities. For the reasons stated below, we deny the petition.

2. In its petition, LibCo argues that the Bureau erred in concluding that LibCo's showing contained no reasonable plan or projected date by which any DTV facility might be constructed or placed in operation. LibCo contends that it had specific objectives and plans to implement its DTV conversion, which it claims to have outlined and supported in its request for extension. Review of its petition and extension request casts doubt on the cogency of those plans. LibCo admits that it has known since 1995 that its current tower was not up to standard. In its petition, LibCo indicates that it now believes its current tower might serve its needs if it were properly reinforced. As of the date of the petition, however, LibCo had not received a structural study that it hoped would confirm this belief. Although LibCo does include a "Construction Report and Action Plan" in its petition, elsewhere in its petition it refers to its timeline as a "best guess." Requests for extensions of time to construct a facility cannot be grounded in guesswork, but must be supported by reasonable projections which rely on known facts. Based on the representations in LibCo's petition and its extension request, therefore, the Bureau's original conclusions were justified.

3. ACCORDINGLY, IT IS ORDERED, THAT the petition filed by LibCo, Inc. seeking reconsideration of the Bureau's June 3, 2002, letter denying its request for an extension of time to construct the digital facilities for WLOX-DT and admonishing LibCo for failing to meet the May 1, 2002, construction deadline for DTV facilities IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

W. Kenneth Ferree
Chief, Media Bureau